



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

March 19, 1986

Carl E. Kingston, Esq.  
P.O. Box 15809  
Salt Lake City, Utah 84115

Dear Mr. Kingston:

As we discussed yesterday, this letter is to confirm that your Petition for Temporary Relief will be held on Tuesday, March 25, 1986 at 1:00 p.m. in the Division offices.

If you have any questions, please feel free to call.

Sincerely,

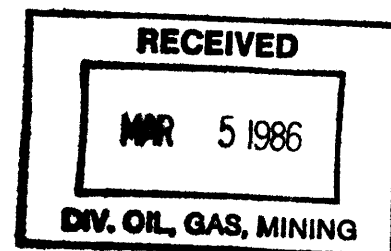
*Marjorie L. Anderson*

Marjorie L. Anderson  
Administrative Assistant

0540V

cc: B.W. Roberts

**CARL E. KINGSTON (1826)**  
Attorney for Plaintiff  
53 West Angelo Avenue  
P.O. Box 15809  
Salt Lake City, Utah 84115  
Phonen: (801) 486-1458



BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
IN AND FOR THE STATE OF UTAH

CO-OP MINING COMPANY,	*	
	*	
Petitioner,	*	PETITION FOR TEMPORARY RELIEF
	*	
vs.	*	
	*	
DIVISION OF OIL, GAS	*	Docket No. <u>86-010</u>
AND MINING,	*	
	*	
Respondent.	*	Cause No. <u>ACT 1015/1025</u>
	*	

Comes now the Petitioner, Co-op Mining Company, and petitions the Board of Oil, Gas and Mining for temporary relief from Cessation Order C86-4-21 dated February 24, 1986, issued by David Lof for the following reasons:

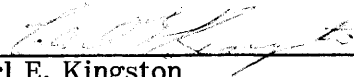
1. The Cessation Order was issued for failure to abate NOV N85-4-25-1. Co-op Mine had in fact responded to the NOV, on September 26, 1985, however, the Division deemed Co-op's response insufficient and requested additional information. The request for additional information, although dated November 15, 1985, was not routed to Co-op Mine's operations office nor to its compliance officer, although the Division is well aware of the address and name of the same. Co-op's compliance officer, Melvin A. Coonrod, did not receive the Division request for additional information and was not aware that Co-op's September response was deemed deficient, until Division personel handed him a copy of its letter dated November 15, 1985, on Friday afternoon,

February 21, 1986.

2. The Division's failure to properly notify petitioner of its need for additional information and its Cessation Order allowing Co-op no working days in which to comply is patently unreasonable and arbitrary. Although Melvin Coonrod did get a response in by February 24, 1986, if the same is again found deficient, the Division has informed Co-op that a penalty of \$750.00 per day will be assessed commencing from the date of the Division's notification that Co-op's second response is deficient.


WHEREFORE, Petitioner requests that the Board grant temporary relief and extend the time in which to respond to a reasonable time. The time from the date the Division's letter of November 15, 1985 until Co-op was properly notified on February 24, 1986, should not be counted in the 90 days.

Dated this 4 day of March, 1986.

  
\_\_\_\_\_  
Carl E. Kingston  
Attorney for Co-op Mining Co.

#### CERTIFICATE

I hereby certify that I mailed a copy of the foregoing Petition For Temporary Relief to Barbara W. Roberts, Assistant Attorney General, 124 State Capitol, Salt Lake City, Utah 84114 and to Division of Oil, Gas & Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, postage prepaid, this 4 day of March, 1986.

  
\_\_\_\_\_  
Carl E. Kingston



UTAH  
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## VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co-Op Mining Company

Mailing Address P.O. Box 1245 Huntington, IA 84528

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_.

Cessation Order No. C 86-4-2-1 dated FEB. 24, 19 86.

Part 1 of 1 is ☐ vacated ☒ terminated because OPERATOR HAS COMPLIED WITH  
NOV 1985-4-25-1. EFFECTIVE TERMINATION DATE IS 3/29/86 THE DATE WHICH  
THE OPERATOR SUBMITTED THE LAST PIECE OF INFORMATION NEEDED TO MAKE THEIR  
APPLICATION COMPLETE AND ADEQUATE.

Part \_\_\_\_ of \_\_\_\_ is ☐ vacated ☐ terminated because \_\_\_\_\_

Part \_\_\_\_ of \_\_\_\_ is ☐ vacated ☐ terminated because \_\_\_\_\_

Date of service/mailling 3/26/86 Time of service/mailling 3:00 ☐ a.m. ☒ p.m.

Date of Inspection N/A

MELVIN A. CONRAD  
Permittee/Operator representative

\_\_\_\_\_  
Title

ISSUED FROM DIVISION  
Signature

DAVID LEE #1  
Division of Oil, Gas & Mining

David Lee  
Signature

Mining Field Specialist  
Title